

Senate Bill No. 489

(By Senator Carmichael)

[Introduced February 13, 2015;
referred to the Committee on the Judiciary.]

A BILL to amend and reenact §55-2-6a of the Code of West Virginia, 1931, as amended, relating to imposing a statute of limitations for bringing a civil action derived from actual surveying of real property more than ten years after performance or furnishing of services.

Be it enacted by the Legislature of West Virginia:

That §55-2-6a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. LIMITATION OF ACTIONS AND SUITS.

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**§55-2-6a. Deficiencies, injuries or wrongful death
resulting from any improvements to or
survey of real property; limitation of
actions and suits.**

1 No action, whether in contract or in tort, for indemnity
2 or otherwise, nor any action for contribution or indemnity to
3 recover damages for any deficiency in the planning, design,
4 surveying, observation or supervision of any construction or
5 the actual construction of any improvement to real property,
6 or the actual surveying of real property, or, to recover
7 damages for any injury to real or personal property, or, for an
8 injury to a person or for bodily injury or wrongful death
9 arising out of the defective or unsafe condition of any
10 improvement to real property, or the survey of real property,
11 may be brought more than ten years after the performance or
12 furnishing of ~~such~~ the services or construction. ~~Provided,~~

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1 ~~That~~ However, the above period ~~shall be~~ is tolled according
2 to ~~the provisions of~~ section twenty-one of this article. The
3 period of limitation provided in this section ~~shall~~ does not
4 commence until the improvement to the real property, or the
5 survey of the real property in question has been occupied or
6 accepted by the owner of the real property, whichever occurs
7 first.